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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,230	07/07/2003	Dale A. Trsar	10473-998	7010
20277	7590	02/23/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			CHARIOUI, MOHAMED	
		ART UNIT	PAPER NUMBER	
			2857	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,230	TRSAR ET AL.	
	Examiner	Art Unit	
	Mohamed Charioui	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 22, 24-28, 36 and 37** are objected to because of the following informalities:

In page 32, line 1, change "A machine-re+able" to --A machine-readable--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Phung et al. (US. 2002/0007237)

As per claims 1, 2, 8 and 9, Phung et al. teach collecting data related to effective fixes corresponding to various symptoms from a plurality of diagnostic systems via a data transmission network (see paragraphs [0009]-[0010]); accumulating the number of each effective fix corresponding to each of the various symptoms (see paragraph [0010]); and assigning at least one effective fix to one of the various symptoms based on a result of the accumulating step (see paragraph [0010]).

As per claims 3-7, 10-14, 23 and 29-33, Phung et al. further teach receiving a validation result including validated effective fixes corresponding to each of the various

symptoms (see paragraph [0064]); and accumulating the number of each validated effective fix corresponding to each of the various symptoms (see paragraph [0064]).

As per claims 15 and 16, Phung et al. further teach a data processor for processing data; a data communication port for connecting to a data transmission network (see paragraphs [0032]-[0033]); a data storage device for storing instructions (see paragraph [0033]); and a data transmission path coupled to the data processor, the data communication port, and the data storage device (see paragraph [0033]); wherein the instructions, when executed by the data processor, control the data processing system (see paragraphs [0034]-[0037]).

As per claims 17-21, Phung et al. further teach receiving a validation result including validated effective diagnostic results corresponding to each of the various faults (see paragraph [0064]); and accumulating the number of each validated diagnostic result corresponding to each of the various faults that is valid according to the validation result (see paragraph [0064]).

As per claims 22 and 25, Phung et al. further teach receiving data related to effective diagnostic results corresponding to various faults from a plurality of diagnostic systems via the data transmission network (see paragraphs [0009]-[0010]); accumulating the number of each effective diagnostic result corresponding to each of the various faults (see paragraph [0010]); and assigning at least one effective diagnostic result to one of the various faults based on a result of the accumulating step (see paragraph [0010]).

As per claims 24 and 26-28, Phung et al. further teach receiving a validation result including validated effective diagnostic results corresponding to each of the various faults (see paragraph [0064]); and accumulating the number of each validated diagnostic result corresponding to each of the various faults that is valid according to the validation result (see paragraph [0064]).

As per claims 34-37, Phung et al. further teach that the storage device further stores instructions that, when executed by the data processor, control the data processing system to generate a fault prediction based on the data related to effective diagnostic results (see paragraph [0037]).

As per claim 38, Phung et al. further teach generating an index for each effective fix corresponding to each of the various symptoms based on a result of the accumulating step and assigning at least one effective fix to one of the various symptoms based on the index for each effective fix corresponding to each of the various symptoms (see paragraph [0039]).

Prior art

3. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Schleiss et al. ['782] disclose diagnostic expert in a process control system.

Wakamoto et al. ['500] disclose diagnostic expert system.

Bird et al. ['831] disclose diagnosis method for vehicle systems.

Bonissoone et al. ['217] disclose system and method for diagnosing and validating a machine over a network using waveform data.

Abe et al. ['438] disclose communication network for vehicle control and diagnosis method thereof.

Wang et al. ['092] disclose machine fault diagnosis system and method.

Monroe et al. ['049] disclose data collection system.

Baghai et al. ['868] disclose client/server distribution of performance monitoring data.

Sato et al. ['371] disclose fault monitoring system.

Fujino et al. ['023] disclose diagnostic system for engine.

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/15/05

